



Significant Disproportionality

Public Hearing Stakeholder Input

March 19, 2018

April 12, 2018

What is Disproportionality?

Disproportionality exists when students in a **racial or ethnic group** are more likely to be...

- identified as a student with a **disability**
- identified as a student with a **particular disability**
- **placed in more restrictive settings**
- **suspended or expelled**

...than students in other racial or ethnic groups

Significant Disproportionality

- IDEA 97
 - Set up the current rules and regulations around significant disproportionality
 - Introduced the concept of significant disproportionality
- IDEA 2004 and related regulations
 - Continued the required monitoring of significant disproportionality
 - Shifted the emphasis from fixing noncompliance with special education law to prevention in the general education setting



GAO Report on Significant Disproportionality

- Few districts identified as having significant disproportionality
- No common methodology across states
- Education's oversight of racial and ethnic groups' overrepresentation in special education is hampered by the flexibility states have to define significant disproportionality
 - Specifically, Education periodically reviews states' definitions as part of its onsite monitoring under IDEA, but the department has not required a state to change its definition when it makes it unlikely that overrepresentation will be identified
 - States in turn are required to identify districts and ensure that these districts reserve the required amount for early intervening services



GAO Report on Significant Disproportionality

- GAO recommended:
 - To better understand the extent of racial and ethnic overrepresentation in special education and promote consistency in how states determine the districts required to provide early intervening services, we recommend the Secretary of Education develop a standard approach for defining significant disproportionality to be used by all states
 - This approach should allow flexibility to account for state differences and specify when exceptions can be made



New Regulations

- ED issued a Notice of Proposed Rulemaking (NPRM) in March 2016
- 34 CFR §§ 300.646-647 in December of 2016
- Determine whether significant disproportionality based on race/ethnicity is occurring with respect to:
 - The identification of children as children with disabilities, including identification as children with particular impairments
 - The placement of children in particular educational settings
 - The incidence, duration, and type of disciplinary actions, including suspensions and expulsions



If the State Identifies Districts

- The state must:
 - Ensure districts reserve 15% of IDEA funds for CCEIS to address factors contributing to the significant disproportionality
 - Provide for the annual review of policies, practices, procedures of any district that has significant disproportionality
 - Require districts to publicly report on the revision of policies, practices, and procedures
- NOTE: Voluntary CEIS is **not** part of the significant disproportionality regulations



CCEIS

Grade Level/Ages Served	Age 3 through grade 12
Groups Served	<p>Children <u>who are not currently identified</u> as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.</p> <p>Children <u>currently identified as needing special education or related services</u> (funds can be used primarily, but not exclusively, for this group).</p>
Permitted Activities	<p>Professional development and educational and behavioral evaluations, services, and supports.</p> <p>The activities must address factors and policy, practice, or procedure contributing to significant disproportionality.</p>

CONFERENCE



Providing CCEIS

- Districts are required to identify the factors that may be contributing to significant disproportionality, which may include:
 - a lack of access to scientifically based instruction
 - economic, cultural, or linguistic barriers to appropriate identification or placement in particular educational settings
 - inappropriate use of disciplinary removals
 - lack of access to appropriate diagnostic screenings
 - differences in academic achievement levels
 - policies, practices, or procedures that contribute to the significant disproportionality
- Address a policy, practice, or procedure it identifies as contributing to the significant disproportionality

**2017 LEADERSHIP
CONFERENCE**



TIMELINE

- Regulations were released
- South Dakota Stakeholder Input
 - Advisory Panel for Children with Disabilities
 - September 15, 2017
 - Significant Disproportionality Stakeholder –
 - September 26, 2017
- Public Hearing
 - March 19, 2018 at 4:00 pm MacKay building
 - April 12, 2018 at 5:30 pm at MacKay building

Timeline (continued)

- Spring 2018 Notify Districts of the Policy Change
- **Every Spring,**
 - If a district has met significant disproportionality in one of the 98 ways, an official letter will be sent.
 - The IDEA Flow Through Fund Application will reflect the required 15% CCEIS set aside funds.
- **Example:**
 - March 2019 district(s) will be identified for significant disproportionality. The district(s) would take 15% of CCEIS amounts in the 2019-2020 budget year.



METHODOLOGY THRESHOLDS

98 Ways...

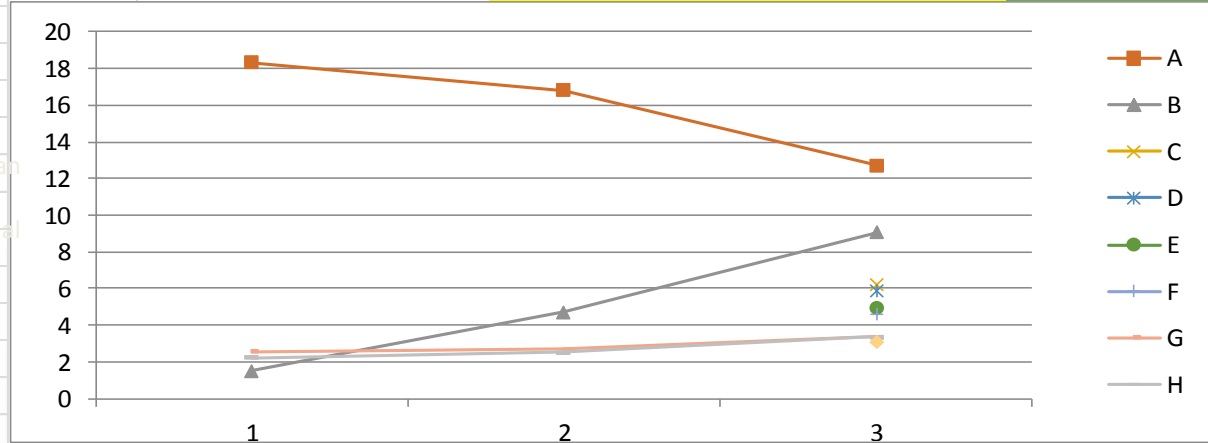
- Seven racial/ethnic groups
- Fourteen areas
 - ☐ All disabilities
 - ☐ Six disability categories (CD, ED, SLD, ASD, OHI, Sp/L)
 - ☐ Two placement categories
 - ☐ Five discipline groups
- A district has 98 “opportunities” to be identified as being significantly disproportionate

Reasonableness

- States required to set
 - reasonable risk ratio thresholds
 - number of years to consider (max of 3)
 - reasonable minimum cell sizes
 - reasonable minimum n-sizes
 - and standards for measuring reasonable progress
- All with input from stakeholders (including State Advisory Panels), subject to the US DOE's oversight
- **Cell size** of 10 and **n-size** of 30 are considered presumptively reasonable by US DOE

Risk Ratio Thresholds > 3 for 3 Years Discipline (All Other SWD)

District Name	Ethnic Group	Discipline Category	Number in Target Group Suspensions and Expulsions	Number of others ethnic groups with Suspensions and Expulsions	Alternate RR	2013-2014 Final Risk Ratio	2014-2015 Final Risk Ratio	2015-2016 Final Risk Ratio
A	n	OUTOFSCHOOL-GREATER10	19	0	18.3421	18.3421	16.8098	12.7338
B	n	INSCHOOL-LTOREQ10	45	11		1.498079	4.732076	9.0687
C	n	OUTOFSCHOOL-GREATER10	3	2				6.212647
D	n	OUTOFSCHOOL-LTOREQ10	7	4				5.88475
E	n	OUTOFSCHOOL-LTOREQ10	6	0				4.915435
F	n	INSCHOOL-GREATER10	1	48				4.59741
G	n	OUTOFSCHOOL-LTOREQ10	28	0	2.577323	2.577323	2.671955	3.351864
H	n	INSCHOOL-LTOREQ10	11	0	2.21806	2.21806	2.527492	3.351289
I	n	OUTOFSCHOOL-GREATER10	3	25				3.06494



n = Native
GREATER10= Suspensions greater than 10 days
LTOREQ10= Suspensions less or equal to 10 days

Risk Ratio Thresholds > 3 for 3 Years Identification (All Other enrolled)

District Name	Ethnic Group	Disability	Number in ethnic group enrolled	Number in ethnic group in sped	Target Group Risk	Number in other ethnic groups in sped	Other Group Risk	Risk Ratio	Alternate RR	Final RR 2016-17	Final RR 2015-16	Final RR 2014-15
DistrictName	eth	pd	enrollm ntn	Target n	targetris k	Other n	otherrisk	riskrr	alternat err	finalrr	finalrr15 16	finalrr14 15
A	w	OHI	125	15	12.00%	2	11.76%	1.0200	6.1741	6.1741		
B	n	CD	164	11	6.71%	0	0.00%		5.3918	5.3918		
C	n	CD	414	17	4.11%	18	0.80%	5.1351	3.3009	5.1351	4.1620	4.0248
D	n	SLD	414	52	12.56%	81	3.60%	3.4905	2.6881	3.4905	2.8449	2.7798
E	n	CD	1361	57	4.19%	0	0.00%		3.3667	3.3667	2.4657	2.3035
F	w	OHI	231	15	6.49%	0	0.00%		3.3409	3.3409	3.4145	3.1545
G	n	SLD	144	25	17.36%	199	5.26%	3.3012	3.7155	3.3012	2.4776	2.4559
H	n	SLD	74	13	17.57%	40	5.49%	3.2017	3.7597	3.2017		
I	n	SLD	234	21	8.97%	14	2.96%	3.0321	1.9206	3.0321	2.9543	2.2215

n = Native

w= White

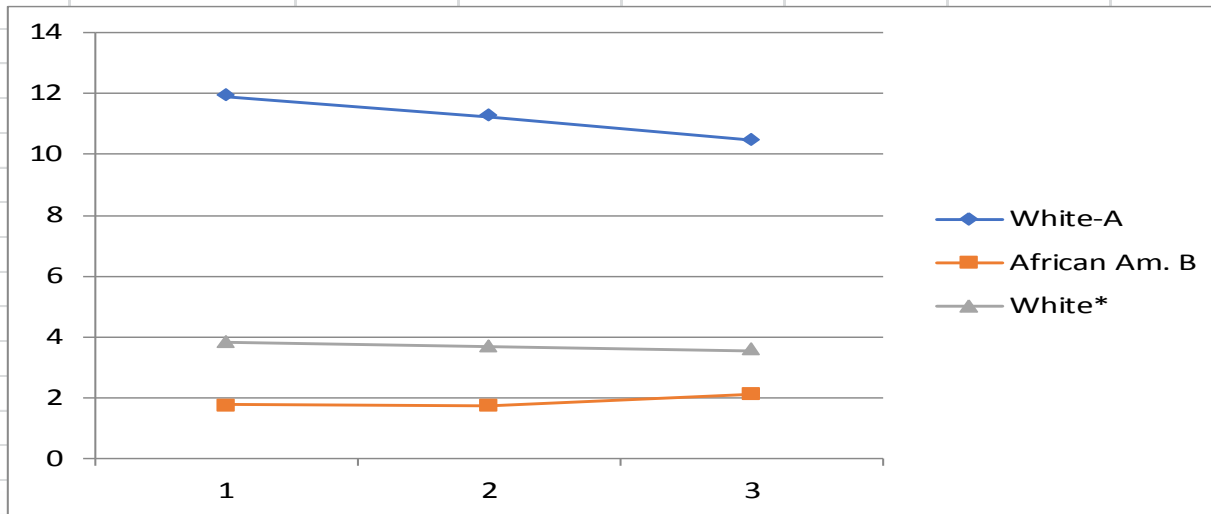
CD=Cognitive Disability

SLD= Specific Learning Disability

OHI= Other health Impartments

Risk Ratio Thresholds > 3 for 3 Years Placement (All Other SWD)

District Name	Ethnic Group	Placement	Number in Target Group placement	Number of others ethnic groups with Placement	Risk Ratio	Alternate RR	2013-2014 Final Risk Ratio	2014-2015 Final Risk Ratio	2015-2016 Final Risk Ratio
A	White	SS&RF	23	6		11.91053	11.9105	11.2336	10.4577
B	African Am.	RC39	40	199	1.77		1.77	1.74	2.12
C	White*	RC39	12	4		3.82	3.82	3.68	3.56



SS&RF = Separate Schools and Residential Facilities
 * to illustrate progress actual results under 3
 RC39= Regular Classroom <40 %

Input: Risk Ratio Thresholds

- Identification
 - Recommend 3.0 for 3 consecutive years
 - Input?
- Placements
 - Recommend 3.0 for 3 consecutive years
 - Input?
- Discipline
 - Recommend 3.0 for 3 consecutive years
 - Input?

Input: What is Reasonable Progress for us?

Area	Risk Ratio Year 1	Risk Ratio Year 2	Risk Ratio Year 3	Change Yr 1 to 2	Change Yr 2 to 3
Discipline	18.34	16.81	12.73	-1.53	-4.08
Placement	11.91	11.23	10.46	-0.68	-0.77

How much improvement is enough to be considered reasonable progress and remove SD requirements? **0.1, 0.2, 0.5** more?

Additional Input

- Number of years to use (up to 3)
 - Recommend 3 consecutive years
 - Input?
- Minimum cell size (numerator)
 - Recommend 10
 - Input?
- Minimum n-size (denominator)
 - Recommend 30
 - Input?



Stakeholder Recommendation

Governor's Advisory Panel on Children with Disabilities

- September 15, 2017 meeting: Panel provided recommendations on methodology thresholds.

	Identification	Placement	Discipline
Cell Size	10	10	10
N Size	30	30	30
Ratio/Alt Ratio	3	3	3
Years	3	3	3
Reasonable Progress	.01	.01	.01

Significant Disproportionality Stakeholder meeting discussion (September 26, 2017)

- Representatives: College, Districts, Department of Education staff, Cooperative, Disability Rights, and Parent Connection

	Identification	Placement	Discipline
Cell Size	10	10	10
N Size	30	30	30
Ratio/Alt Ratio	3	3	3
Years	3	3	3
Reasonable Progress	.01	.01	.01

State Proposed Recommendation

	Identification	Placement	Discipline
Cell Size	10	10	10
N Size	30	30	30
Ratio/Alt Ratio	3	3	3
Years	3	3	3
Reasonable Progress	.01	.01	.01

If used current data and recommendations, number districts meet significant disproportionality

Category	Number of districts
All Discipline	2
Suspension and Expulsion	1
Identification	1
Placement (Least Restrictive Environment)	1

Proposed Delay of Regulations

- Notice of proposed rulemaking (NPRM) that would postpone by two years the compliance date for implementing the significant disproportionality regulations published on December 19, 2016.

Activity	Current	Proposed
Implementation to include data for age 6-21	July 1, 2018	July 1, 2020
Implementation to include data for age 3-21	July 1, 2020	July 1, 2022

- South Dakota intent to implement when required.